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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/094,539	06/12/1998	RICHARD C. MACHIN	13768.73	8493

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EXAMINER

FOURSON, GARY SCOTT

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 12/21/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/094,539

Applicant(s)

MACHIN ET AL.

Examiner

Gary S. Fourson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 5 October 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

1. The request filed on for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/094,539 is acceptable and a CPA has been established. An action on the CPA follows.

### *Specification*

2. The disclosure is objected to because of the following informalities: Page 13: The related application serial numbers and/or patent numbers are missing from the specification. The Examiner requests that Applicant provide the missing numbers in a formal amendment to the specification. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 1-4 and 10-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Claims 1 and 10 recite the limitation "the known application-level interface format" in lines 11 and 12, respectively. There is insufficient antecedent basis for this limitation in the claim. Applicant may be referencing the format of the first known application-level interface or the second known application-level interface or the formats of both the first and second known application-level interfaces, and, therefore, is indefinite. The Office will interpret the claims as the received at least one command being in a known, common application-level interface format, which is common to both interfaces for initial examination purposes.

Claims 1 and 10 recite the limitation "received commands" in lines 15 and 16, respectively. There is insufficient antecedent basis for this limitation in the claim. Applicant appears to be referencing "at least one command" recited in lines 11 and 12 of claims 1 and 10,

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respectively. However, the recitation of at least one command is satisfied by there being only one received command. Examiner will interpret the recitation of (a plurality of) received commands as referring to --said at least one received command-- for initial examination purposes only.

Appropriate corrections are required.

***Claim Rejections - 35 U.S.C. § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371<sup>©</sup> of this title before the invention thereof by the applicant for patent.

6. **Claims 1-4 and 7-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Beal et al. (US 5,872,956).**

With respect to claims 1-4, and 7-13, Beal et al. teaches an Adapter component 108 providing the necessary functions for connection control [setting up the adapter hardware, controlling and reporting adapter hardware operations, and interrogating the adaptor hardware] as well as data and data control [sending and receiving packets on the network] characteristics. Beal recognized the benefit of the Adapter component in the reduction of interface development. [col. 5 lines 30-52]

7. **Claims 1-4 and 7-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Beighe et al. (US 5,809,252).**

With respect to claims 1-4, and 7-13, Beighe et al. teaches separate paths [53 and 54] for the data packets and control packets. The separation of the control and data packet handling for the connection-oriented device [cable modem] to the receive unit [57] and protocol handler [55], respectively indicates a first and second interfaces for intermodule communication. The NDIS layer utilized for the network driver interface layer 70 handles dissimilarities between device drivers and protocol layer schemes freeing application programmers from programming to new interfaces.

***Claim Rejections - 35 U.S.C. § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beal et al. (US 5,872,956).**

Beal et al. teaches an Adapter component 108 providing the necessary functions for connection control [setting up the adapter hardware, controlling and reporting adapter hardware operations, and interrogating the adaptor hardware] as well as data and data control [sending and receiving packets on the network] characteristics. Beal recognized the benefit of the Adapter component in the reduction of interface development. [col. 5 lines 30-52] Beal teaches redirection through the system component [110; col. 5 lines 53-65], however, is silent on the use of well known proxy mechanisms.

Proxies have been routinely utilized to locally represent a remote function or collection of functions such as those utilized in CORBA middleware. It would have been obvious to cause redirection of data and data control information, because utilization of middle-ware such as the prior art proxy representation leads to redirection of data through the proxy interface.

10. **Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beighe et al. (US 5,809,252).**

With respect to claims 5 and 6, Beighe et al. teaches separate paths [53 and 54] for the data packets and control packets. The separation of the control and data packet handling for the connection-oriented device [cable modem] to the receive unit [57] and protocol handler [55], respectively indicates a first and second interfaces for intermodule communication. The NDIS layer utilized for the network driver interface layer 70 handles dissimilarities between device drivers and protocol layer schemes freeing application programmers from programming to new interfaces. Beighe teaches redirection through the control packet filter 50, however, is silent on the use of well known proxy mechanisms.

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Proxies have been routinely utilized to locally represent a remote function or collection of functions such as those utilized in CORBA middleware. It would have been obvious to cause redirection of data and data control information, because utilization of middle-ware such as the prior art proxy representation leads to redirection of data through the proxy interface.

*Conclusion*


Any inquiry concerning this communication should be directed to Gary Fourson at telephone number (703) 305-4392 or E-mail at the address gary.fourson@uspto.gov.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

The fax numbers for Official (703-746-7239), to be intended for entry into the application, Non-Official/Draft (703-746-7240), or After-final (703-746-7238) communications may be utilized for expedited transactions.

gsf

December 17, 2001



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